

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed 9/11/03 have been fully considered and entered. Claims 1-6 and 17 have been canceled as requested. Claims 7 and 14 have been amended as requested. Applicant's amendments are found sufficient to overcome the obviousness rejections set forth in the Office Action mailed on 1/29/03. As such, these rejections are hereby withdrawn. However, upon further consideration the following necessitated new ground of rejection is set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monticello et al., WO 98/21305 in view of Hossain et al., US 4,828,912 and further in view of Wierenga et al., US 5,965,514.

The published PCT application to Monticello et al., discloses a disinfecting composition comprising from .1-7 % wt citric acid, .1-12 % wt of a non-ionic surfactant, 1-10 % wt solvent and up to 100 % wt of water (Abstract and Page 1, 25-30). The acidic pH of the composition ranges from 1 to about 4 (Page 2,1-5). Suitable non-ionic surfactants include alcohol ethoxylates (Page 4,23-25). Suitable solvents include the claimed propoxypropanol (Page 3,20-25).

Monticello et al., fails to teach applying the disinfecting composition to a non-woven substrate, however, the patent issued to Hossain et al., teaches a virucidal product comprising citric acid and a surfactant (Abstract and Title). To prevent the spread of

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viruses, Hossain et al., further teaches coating or impregnating a substrate such as a facial tissue or a non-woven for use as a wet wipe (Column 3, 55-67).

Therefore, motivated to prevent the spread of viruses such as those associated with the common cold it would have been obvious to one having ordinary skill in the art at the time the invention was made to coat or impregnate a non-woven substrate as taught by Hossain et al., with the coating composition of Monticello et al.

With regard to the loading factor limitation recited in claims 7 and 14, Hossain et al., or Monticello et al., does not teach a loading factor, however it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply a suitable amount of the virucidal composition to the non-woven substrate as a function of desired efficacy. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233

Monticello et al., and Hossain et al., fail to teach the addition of a suds suppressor, however, the patent issued to Wierenga et al., teaches a disinfecting and cleaning composition that comprises a suds suppressor (Abstract and Column 14, 10-15). Wierenga et al., teaches adding a suitable suds suppressor in an amount ranging from .01 to 3% to prevent excessive sudsing (Column 14, 15-20).

Therefore, motivated to prevent excessive sudsing it would have been obvious to one having ordinary skill in the art to add a suitable sudsing suppressor as taught by Wierenga et al., to the disinfecting wipe provided by the combination of Monticello et al., and Hossain et al.

With regard to Applicant's argument that a lack of motivation exists to combine the suds suppressor of Wierenga et al., to the composition of Monticello et al., on the grounds that pH of Wierenga et al., composition is lightly acidic having a pH ranging from about 3 to less than about 7, it is respectfully pointed out that the term "about" is considered a flexible term encompassing values above and below 3. Absent unexpected results the Office does not recognize a patently distinct difference between the claimed less than about 3 and the disclosed about 3. In addition, the Examiner submits that prior art of Wierenga et al., was relied upon to show that it is known in the art to add a suds suppressor to cleaning compositions for the purpose of reducing sudsing. It is not shown by Applicant or in the prior art of Wierenga et al., that the disclosed suds suppressor impacts pH. Moreover, Applicant is not claiming any particular suds suppressor.

4. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monticello et al., WO 98/21305 in view of Hossain et al., US 4,828,912 and further in view of Wierenga et al., US 5,965,514 as applied to claim 14 above and further in view of Misselyn et al., US 5,415,813.

The combination of Monticello et al., Hossain et al., and Wierenga et al., fail to teach the addition of a hydrotrope, however, the patent issued to Misselyn et al., teach a disinfecting and cleaning composition that comprises a hydrotrope (Abstract and Column 17, 5-10). Misselyn et al., teach adding a suitable hydrotrope such as sodium cumene sulfate in an amount ranging from .01 to 5% to control the viscosity of the liquid composition and the low temperature cloud clear properties (Column 17, 10-27).

Therefore, motivated to control the viscosity and low temperature cloud clear properties of the liquid composition it would have been obvious to one having ordinary

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skill in the art to add a suitable hydrotrope such as the one taught by Misselyn et al., to the disinfecting wipe provided by the combination of Monticello et al., Hossain et al., and Wierenga et al.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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November 10, 2007
/Lynda Salvatore/
Primary Examiner
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